

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
§
vs. § No. 3:17-CR-569-B(1)
§
FREDDIE THOMAS GILBERT, §
Defendant. § Referred to U.S. Magistrate Judge¹

RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the defendant's *Application to Proceed In Forma Pauperis* with accompanying certificate of inmate trust account, received on December 8, 2021 (doc. 126), which is liberally construed as a request for leave to proceed *in forma pauperis* on appeal.

(X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous. There is no pending proceeding. The direct appeal to the United States Court of Appeals for the Fifth Circuit has concluded, and the defendant has filed no other actions in this Court.

If the Court denies the request to proceed *in forma pauperis* on appeal, the defendant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 10th day of December, 2021.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹ By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.